REMARKS

This Amendment is submitted in response to the Office Action dated 11 July 2005, the time to respond being until 11 October 2005. Reconsideration and allowance of this application are respectfully requested. Claims1 and 3-9 are amended, and claims 2 and 10 are canceled. Thus claims 1 and 3-9 remain pending in the application.

The Examiner objected to the drawings under 37 CFR 1.83 as failing to show the associated muzzle end of claims 1 and 8. The muzzle end is removed from these claims.

The Examiner rejected claims 1-10 under 35 U.S.C. 112, second paragraph, as being indefinite. According to the Examiner, in claim 1, lines 1-5 the use of the phrase "said cylinder being defined by an internal channel having an increasingly smaller average internal diameter" makes the claim indefinite because a cylinder, by definition, has a uniform internal diameter. Apparently, the Examiner has adapted a mathematical definition. Applicant intended the common usage, which is a finite section of a right circular cylinder with its ends closed to form two circular surfaces. Thus, the outer diameter would be uniform. Nevertheless, Applicant has amended the claims to substitute "tubular member" for –cylinder--, a slightly more generic term that should eliminate any confusion between the multiple definitions of "cylinder.".

In claim 1, line 3, and in claim 8, line 2, the word "it" was held indefinite. The term is replaced by its object.

In claim 1, line 7, the phrase "said tapered channel" was found to lack antecedent. The claim is amended to define the channel as stepwise tapered, thereby giving antecedent.

In claim 7, line 2, the Examiner was unclear as to how the phrase "external series of screw threads" is intended to relate to the previously claimed "coupling at one end for

concentrically securing," (see claim 1, line 3). The screw threads are the coupling (as claimed), and Applicant hopes that by specifying that the screw threads are "on said hollow tubular member" the issue is resolved.

The Examiner rejected claims 1-9 under 35 U.S.C. 102(b) as being anticipated by Pachmayr et al. (2922242). Pachmayr et al. discloses a shot constrictor for varying the shot pattern of a shotgun. There is no wad stopper as in the present invention. The Examiner equates the raised projections 32 of Pachmayr et al. with the annular steps of claim 1. However, the Pachmayr et al raised projections 32 are vent ports for venting gases. They are not annular step-wise projections because they do not extend unbroken around the channel (the definition of annular is ring like, and Pachmayr's gas-vent ports are only oblong semi-circular slots as seen in FIG. 1). They are also not intended to catch a wad, and as such are not spaced evenly along two-thirds the length of the channel to retard and separate wadding from behind shotgun pellets passing through said channel. Claim 1 is amended to include these latter limitations in addition to the annular distinction described above, and Pachmayr et al. should now be sufficiently distinguished.

The Examiner also rejected claims 1-7 and 9 under 35 U.S.C. l02(b) as being anticipated by Johnson. Johnson, (like the vents in Pachmayr), discloses "muzzle brake" to disperse gas. The Examiner equates the present stepwise annular wad-stopping projections with item 14 in Johnson, but item 14 is a gas diverter cone perforated with openings 20, the decreasing diameter of interior chamber 22 forcing propelling gases into openings 20. Again, these are not annular step-wise projections because they do not extend unbroken around the channel, they are not intended to catch a wad, and as such are not spaced evenly along two-thirds the length of the channel to retard and separate wadding from behind shotgun pellets passing through the channel.

Claim 1 as amended distinguishes Johnson for the same reasons as Pachmayr.

The Examiner also rejected claims 1-7 and 9-10 under 35 U.S.C. 103(a) as being unpatentable over Warner et al. in view of Miller et al. or Martel. According to the Examiner, Warner et al. disclose a choke/flash suppressor with associated firearm comprising all elements of claims 1-7 and 9-10 except for a flash suppressor, and that Miller et al. (col. 3, lines 8-12 and item #164) and Martel (col. 1, lines 11-13 and 23-27) each teach a flash suppressor attached to a shotgun. First of all, the Examiner errs by equating a choke with a flash suppressor as they are two different things, and Warner et al. is not a choke. It is more true to say that Warner et al. shows a flash suppressor, but this is entirely misplaced because the present invention has nothing to do with flash suppressors. The Warner et al. flash suppressor (like the vents in Johnson and Pachmayr) are "muzzle brakes" to disperse gas. The Examiner equates the present stepwise annular wad-stopping projections with the edges of gas vent openings. However, the Warner et al. gas vents are not annular step-wise projections because they do not extend unbroken around the channel, they are not intended to catch a wad, and as such are not spaced evenly along two-thirds the length of the channel to retard and separate wadding from behind shotgun pellets passing through the channel. Miller et al. and Martel show the gun barrel terminating at combined flash suppressors, but this adds nothing to Warner because the present invention has nothing to do with flash suppressors. Te cited combination simply does not teach or suggest annular step-wise projections extending unbroken around a channel, the projection being intended to catch a wad, and as such being evenly along two-thirds the length of the channel to retard and separate wadding from behind shotgun pellets passing through the channel.

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In view of the above amendments and remarks, it is believed that this application is now in the proper condition, and a Notice of Allowance is respectfully requested.

Respectfully submitted,

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